IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12183 of 2005

Between:

Jalleda Bikshalu, s/o Lakshmaiah,
r/at Chiluvuru Village, Duggirala Mandal, Guntur District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Duggirala Mandal, Guntur District.
2 The Collector, Guntur.
3 The Secretary, Gram Panchayat, Chiluvuru Village, Duggirala Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, or direction in the nature of mandamus, declaring the action of the respondents in not passing orders as required under Section 4 of the A.P.Assigned land (P.O.T) Act, 1977 after considering the explanation submitted on 19-5-2005 to the notice issued under Rule 3 of the Act, as being illegal, arbitrary, and contrary to the provisions of A.P.Assigned Land (P.O.T.) Act, 1977; and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR. SYED SHAREEF AHMED

Counsel for the Respondent Nos.1 & 2: GP FOR ASSIGNMENT

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondents in not passing orders as required under Section 4 of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977 after considering the explanation submitted on 19.5.2005 to the notice issued under Rule 3 of the Act, as illegal, arbitrary and contrary to the provisions of the Act.

Brief facts of the case are that the petitioner purchased the land from assignees admeasuring Ac. 0.12 cents in the year 1989 and 1991, on payment of valuable sale consideration and he has been in possession and enjoyment of the same. While so, the first respondent on 12.3.2005 issued a notice alleging that the petitioner encroached the land of the Government and enjoying 0.12 cents of land, which was assigned to the beneficiaries and directed him to vacate and deliver the vacant physical possession, failing which, action will be initiated. On receipt of such notice, the petitioner also issued a noticed to the first and second respondents stating that he purchased the land and he has title and any interference will resort to the legal remedies. In response to the same, the first respondent issued a notice to the petitioner on 5.5.2005 purported to be under Rule 3 of the A.P.Assigned Land (Prohibition of Transfer) Rules 1977, wherein the petitioner was directed to submit his explanation. On receipt of the said notice, the petitioner given reply on 19.5.2005 stating that he was a bonafide purchaser for the valuable consideration and most of the assignees have already sold their respective plots and the purchasers are enjoying the same and requested to withdraw the notice. But, till now, no action has

been taken by the first respondent on the explanation given by the petitioner. Hence, the present Writ Petition.

The learned counsel appearing for the petitioner submits that the petitioner is a bonafide purchaser for the valuable consideration and he cannot be dispossessed from the land, as the assignees have sold the land after enjoying the same for a period of ten years.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the stage of admission directing the respondents to pass orders on the explanation submitted by the petitioner dated 19.5.2005, in accordance with law, after affording an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, respondents are directed not to dispossess the petitioner from the suit schedule land.

Accordingly, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 10.06.2005

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To

1 The Mandal Revenue Officer, Duggirala Mandal, Guntur District.
2 The Collector, Guntur.
3 The Secretary, Gram Panchayat, Chiluvuru Village, Duggirala Mandal, Guntur District.

4. Two CCs to G.P. for Assignments, High Court of A.P., Hyderabad. (OUT)

5. Two CD copies.